U.S. House of Representatives Committee on the Judiciary
F. James Sensenbrenner, Jr., Chairman

News Advisory

Sensenbrenner Introduces Bipartisan Legislation Addressing Last Week's Supreme Court Decision Allowing Government Taking of Private Property for Economic Development

Sensenbrenner: Court's Decision Assaults the Constitutional Rights of All Americans and Unsettles Decades of Judicial Precedent

WASHINGTON, D.C. – House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) today introduced bipartisan legislation addressing the Supreme Court's June 23 decision in *Kelo v. City of New London*. Chairman Sensenbrenner expects House Judiciary Committee consideration of this issue and legislation later this year.

Chairman Sensenbrenner delivered the following remarks on this issue today during House floor debate on H. Res. 340, which strongly condemned the Court's *Kelo* ruling:

Mr. Speaker, I rise in strong support of H. Res. 340, a resolution introduced by the gentleman from Georgia, Mr. Gingrey, strongly condemning the Supreme Court's 5 to 4 decision in *Kelo v. City of New London*. In this case – handed down on June 23 – the Supreme Court transformed the public use doctrine under the Fifth Amendment's Takings Clause to allow the government to take private property for "economic development." The Fifth Amendment of the U.S. Constitution specifically provides that "private property" shall not "be taken for *public use* without just compensation." This decision assaults the constitutional rights of all Americans and unsettles decades of judicial precedent.

As the dissent in this case pointed out, under the majority's opinion, "*Any property may now be taken for the benefit of another private party* . . . [T]he government now has

license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result."

To give legislative force to this resolution, today I introduced H.R. 3135, the "Private Property Rights Protection Act of 2005." This bipartisan bill will help restore the property rights of all Americans that the Supreme Court took away last week. I am pleased that the Ranking Member of the Judiciary Committee, Mr. Conyers, is the lead Democratic cosponsor, and that 64 additional Members have already agreed to support this measure.

This legislation would prevent the Federal government from using economic development as a justification for taking privately-owned property. It would also prohibit any State or municipality from doing so whenever Federal funds are involved with the project for which eminent domain authority is exercised. American taxpayers should not be forced to contribute in any way to the abuse of government power.

The impact of this decision cuts across social, economic, and demographic lines. In their joint amicus brief, the NAACP and the AARP stated, "The takings that result [from the Court's decision] will disproportionately affect and harm the economically disadvantaged and, in particular, racial and ethnic minorities and the elderly."

In its brief, the American Farm Bureau Federation stated, "each of our members is threatened by the decision . . . with the loss of productive farm and ranch land solely to allow someone else to put it to a different private use . . ." And the representatives of religious organizations have stated that the Supreme Court's decision will, "grant municipalities a special license to invade the autonomy of and take the property of religious institutions."

 Mr. Speaker, I commend Mr. Gingrey for introducing this important resolution and urge my colleagues to support it. I also ask Members to join me in sponsoring H.R. 3135, to assure the American people that we will not allow churches, homes, farms, and other private property to be bulldozed in abusive land grabs that solely benefit private individuals whose only claim to that land is that their greater wealth will increase tax revenues.

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